

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 10, 2007
	Section 14: Conducting Background Checks for Adoptions	Version: 2

POLICY	OLD POLICY: N/A
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The Indiana Department of Child Services (DCS) will complete background checks for private domestic adoptions **only** if ordered by a Court to complete the Report and Recommendation Summary for adoption finalization.

DCS will complete background checks on all persons who reside in a prospective adoptive household as well as anyone employed or volunteering in the home who has or will have direct contact, on a regular and continuous basis, with children who are or will be under DCS supervision in the home:

1. as part of the home study of the household.
2. prior to written approval of the pre-adoptive placement.
 - a. If the child is not already in the home and 12 months have elapsed since the home study, a new background check must be completed.
 - b. If the child is already in the home and 12 months have elapsed since placement or home study, a new background check must be conducted prior to changing the child's placement status from "foster care" to "adoption".
3. prior to the Court's finalization of the adoption if 12 months have elapsed since placement or home study.

Note: If a family has been printed for the purpose of relative placement or foster care license, a new check must be completed for the purpose of adoption if more than 12 months have lapsed.

DCS requires child protection services (CPS) history checks on all persons aged 0 to 13 years who live in the household.

A background check for persons age 14 to 17¹ will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check
2. Indiana State Juvenile History
3. Sex and Violent Offender Registry
4. Child Protection Services History (CCI)
5. Local law enforcement agencies (LEA)/county sheriff records

A background check for persons age 18 and older will consists of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History (includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check)
2. Sex and Violent Offender Registry

¹ This excludes the child being adopted. Background Checks are not completed on children who are being adopted.

3. Child Protection Services History
4. Local police/sheriff records

Note: Effective July 1, 2007, employees and volunteers for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. The training time required by an employee or volunteer.
2. The safety and security of the children under the supervision of the applicant or licensee.
3. The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. The staffing concerns of the applicant or licensee.
5. Any other factor relating to the safety and security of the applicant's or licensee's operation.

There is a \$33 dollar fingerprint processing fee per applicant/petitioner. The individual must submit a certified check or money order made payable to the "Treasurer of the State of Indiana" when he/she returns the completed fingerprint cards and forms to the local DCS office or LCPA. The individual may NOT submit this payment to where the prints are taken. Payment to the Central Office Background Check Unit must be included with the application and fingerprint cards. The fingerprint processing fees may be reimbursed (See separate policy, [14.X Non-Recurring Adoption Expenses](#)).

DCS requires the prospective pre-adoptive applicants/ petitioners to notify the adoption worker within 24 hours of the arrest or conviction of the applicant/petitioner or any household member.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws as outlined in separate policy, [Chapter 2 Confidentiality of Background Check Data](#).

Code References

- [IC 31-19-11-1 Decree; affidavit; felony convictions](#)
- [IC 31-19-7-1 Prior written approval of placements; criminal history checks](#)
- [IC 31-9-2-22.5 "Conduct a criminal history check"](#)
- [IC 31-19-2-7.5 Submission of information, forms, or consents for criminal history check](#)

See related policies, [10.15 Evaluating Background Checks for Adoption](#)

PROCEDURE

The adoption worker will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, [2.10 Verifying Identity](#).
2. Complete a search for all individuals in the home, regardless of age, for previous Child Protection Services (CPS) history and evaluate. Check and evaluate (if, applicable)

CPS records for all other states in which each individual is known to have resided for the past five (5) years. Refer to separate policy, [10.15 Evaluating Background Checks for Adoption](#).

Note: For Indiana records, licensed child placing agencies (LCPAs) are unable to access this information and will need to send a copy of the [Request for Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years.
4. Search local law enforcement agency (LEA)/sheriff records for every county/state in which the individual is known to have resided for the past 5 years.
5. Prepare the family for fingerprinting for the National Criminal History check by explaining the fingerprinting process. Refer to related information.
6. The adoption worker will complete the applicable sections on the [Application for Criminal History Background Check](#) and assist the applicant with completing the remaining information.
7. The adoption worker will instruct the applicant/petitioner to get printed at the LEA/sheriff's office or ISP post or DCS fingerprint vendor.
8. When the applicant returns all completed fingerprint cards, forms, and payment, document receipt of the items before forwarding them to the Central Office Background Check Unit. Verify that the following information is completed legibly on the fingerprint card:
 - a. Signature of subject of search (Signature of Person Printed) in **black** ink.
 - b. Printed first and last name (include middle initial, if applicable).
 - c. Date subject was printed.
 - d. Reason printed. Use the following code: Adoption IC 31-27-6-2.
 - e. Social Security number.
 - f. Sex, race, height, weight, eye color, hair color, place of birth and date of birth.
 - g. County or agency name in "Reason Printed" box.
 - h. Correct payment for non-DCS family foster home applicants.
9. Make a copy prior to sending to the Central Office Background Check Unit.
10. The Central Office Background Check Unit will provide notice to the adoption worker informing the worker of the qualifying status. The adoption worker must inform the applicant/petitioner of the final determination. Refer to separate policies, [10.15 Evaluating of Background Checks for Adoptions](#).
11. If the subject is qualified for adoption based upon criminal history, the adoption worker will continue with the adoption preparation process. See Chapter 10, Adoption, for the next steps depending upon whether the applicant is at the pre-adoptive placement, home study, placement status change, or adoption finalization stage.

12. For subjects who are conditionally disqualified or disqualified based upon criminal history checks, refer to separate policies, [10.15 Evaluating Background Checks for Adoptions](#).

For background checks for children under the care and supervision of the Juvenile Court or DCS (including children who are at the pre-adoptive placement, home study, change of placement status from “foster care” to “adoption”, or adoption finalization stage) and for private domestic adoptions for which DCS has been Court-ordered to complete the home study, the adoption worker will:

1. complete steps 1-12 outlined above;
2. submit the results of the background checks to the Court with the Report and Recommendations Summary; or
3. attach the qualified/disqualified letter to the home study.

For private domestic adoptions for which DCS has been Court-ordered to complete the Report and Recommendations Summary to the Court for finalization, the adoption worker will:

1. Complete steps 1-12 outlined above.
2. Complete the agency’s Report and Recommendation Summary and submit the summary to the Court within 60 days of the petition date if DCS is responsible for completing the summary. See separate policy, [10.X Adoption Preparation](#).

Note: DCS must make a recommendation on the suitability of the home but will defer to the Court to evaluate the criminal history findings.

For background checks by private adoption agencies, for children NOT under the care and supervision of the Juvenile Court or DCS and DCS has not been Court-ordered to complete the home study, the private agency will run its own background checks through the Indiana State Police using the National Child Protective Act Check. A copy of the results is to be submitted directly to the LCPA. DCS is not involved in the background check process.

PRACTICE GUIDANCE

FORMS AND TOOLS

FORMS

- [Application for Criminal History Background Check, SF 53259/CW 3610](#)
- [Tracking National Criminal History and Juvenile History Reports](#)
- [Request for Child Protection Services \(CPS\) History Check, SF 52802/CW 2128](#)

RELATED INFORMATION

Preparing the Family for Fingerprinting

For adoptions, the worker will explain the following to the family:

1. All persons, except children under DCS supervision, who are living in the household and are age 14 years and older as well as any employee or volunteer who has or will have direct contact, on a regular and continuous basis, with children who are or will be under DCS supervision in the home must be fingerprinted.
2. Fingerprinting may occur at a LEA/sheriff’s office or Indiana State Police post or DCS fingerprint vendor.

3. Each person being printed must have a valid, government-issued identification document with him/her; i.e., driver's license, Social Security card, birth certificate, passport, visa, etc.).
4. There is a \$33 fee for each individual fingerprint card processed.
5. One copy of all completed forms must be presented to LEA at the time of fingerprinting.
6. After taking the fingerprints, LEA will give the completed fingerprint cards of all household members to the primary applicant/petitioner. The applicant/petitioner is responsible for returning the cards, along with one copy of all of the completed forms and payment to the local DCS office or LCPA.

Processing of Fingerprint Cards (for National Criminal History and Indiana State Juvenile History Reports)

1. After being fingerprinted, the subject returns the completed fingerprint card, completed forms, and if applicable, payment, to the local DCS office or LCPA, if working through an LCPA for foster licensing.
2. The local DCS office or LCPA documents the date and time that the cards, forms, and if applicable, payment were received and carefully checks all forms for accuracy. See [Sample Fingerprint Log Sheet](#).
3. The local DCS office or LCPA mails all cards, forms, and if applicable, payment to: Central Office Background Check Unit, Indiana Department of Child Services; 402 W. Washington St., MS 49; Indianapolis, IN 46204. **Note to local DCS office or LCPA:** It will be necessary to use a sufficiently large envelope to avoid bending, creasing or folding the fingerprint cards. Cards cannot be processed if they do not arrive in good condition.
4. The DCS Central Office Background Check Unit delivers the cards to the ISP headquarters at Indiana Government Center North.
5. ISP headquarters forwards the fingerprint cards to the Federal Bureau of Investigation (FBI). The FBI conducts the check and returns a report to ISP.
6. The DCS Central Office Background Check Unit retrieves the Indiana State Juvenile History and National Criminal History reports from ISP headquarters when they become available (usually within two weeks).
7. The DCS Central Office Background Check Unit evaluates the report within three (3) business day of receipt from ISP and will send a determination to the licensing worker..

Blank Fingerprint Cards

Each local DCS office is responsible for restocking nearby State Police posts and local law enforcement offices with a supply of blank copies of pre-printed DCS fingerprint cards. Local office directors or their designees are to contact the Central Office Background Check Unit when replacement cards are needed.

Special Fingerprinting Issues

Homebound: If an individual is homebound and cannot appear at a facility for fingerprinting, the FCM should contact the ISP post or local LEA and request that an officer be sent to the individual's home to conduct the fingerprinting.

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, the Central Office Background Check Unit will send notification to the local DCS office where the child's case resides or to the LCPA that the applicant/petitioner must be reprinted. If the fingerprints of the applicant/petitioner are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National

Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection.

Checking the Status of a Fingerprint-Based National Criminal History Report

To learn the status of a fingerprint-based National Criminal History Report, the FCM should contact his/her local office director or the director's designee. Each local office director has access to an Access Indiana database. The file is updated regularly with the date that the Central Office Background Check Unit receives the fingerprint-based report from ISP headquarters and the date the report was mailed to the local DCS office.

Disclosing National Criminal History Check Information to the Subject of the Check

DCS may disclose the specific crimes that disqualified the subject of the check's criminal history to the subject **if** the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was based.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the state limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Indiana State Juvenile History

This check will be initiated automatically when ISP receives the fingerprint card for the National Criminal History report. ISP will conduct the search and send the results to DCS Central Office Background Check Unit.

Indiana Limited Criminal History

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the State of Indiana. Completeness of this information is based upon county participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. The user must submit a valid password to run the query. Results are immediate. For assistance with password issues, please email FieldOps@dcs.in.gov.

Additional directions:

Please disregard the request for Client ID (it is an optional field). Do not agree to a fee if you are asked. This is an indication that the login was incorrect at the first screen. Answer the following questions in this manner:

- 1) Do you have not-for-profit status? NO

- 2) Do you have an ISP customer number? NO
- 3) Are you currently an Access Indiana subscriber? YES

Sex and Violent Offender Registry

This is a registry of individuals who have been convicted of sex and/or violent crimes. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is: www.fbi.gov/hq/cid/cac/states.htm.

CPS History

In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and all hard copy records. The CPI database is accessible through ICWIS or online at <http://www.in.gov/dcs/protection/online services.html>. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request: http://www.acf.hhs.gov/acf_contact_us.html#regions.